

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 19, 2000
Tuesday, 9:07 A.M.

The City Council met in regular session with Vice Mayor Lambke in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. Council Member Gale, Mayor Knight; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

*Council Member Gale present.

Rev. Leigh Earley, Interim Pastor, Trinity United Methodist Church, Cheney, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

Minutes of the regular meeting of September 12, 2000, were approved 6 to 0. (Knight; absent)

AWARDS AND PRESENTATIONS

RECOGNITION

The Russian Delegation, hosted by Friendship Force, was recognized.

PROCLAMATIONS

Proclamations previously approved were presented.

SERVICE CITATION

Distinguished Service Citations were presented.

UNFINISHED BUSINESS

WILLOWBEND

PETITION FOR SPECIAL ASSESSMENTS – WILLOWBEND NORTH ESTATES. (District II)
Deferred from September 12, 2000.

Terry Cassidy

Development Assistance Director reviewed the Item.

Agenda Report No. 00-0850A.

Mr. Jerry Michaelis, developer of Willowbend North and Willowbend North Estates, approached the City early this year regarding his desire to special assess an entry feature to the Willowbend North patio home subdivision, located on the south side of 45th Street North between Rock Road and Woodlawn. This entry feature is approximately two years old. Mr. Michaelis contends that this area has become a public "park" area that can be used by the public, not just the subdivision homeowners, and, therefore, the costs should be borne by the public. His proposal was to special assess the costs of the infrastructure (landscaped street entrances, waterfall, rock garden, trees, shrubs and perennial plants) located in the entry feature to the properties within the development. He support his costs, Mr. Michaelis provided a list of costs for construction of the entry feature totaling \$150,000.

Mr. Michaelis contends that the City has previously permitted developers to special assess landscaping and other amenities (i.e. Wilson Estates Office Park). Staff does not agree the two situations are similar or comparable. In the case of Wilson Estates, the areas that were special assessed were platted as reserves. In addition, the special assessment petition was approved prior to construction of the features in the reserves and the petitioned work was publicly bid. In the case of Willowbend North, there was no petition submitted for special assessment financing or public bidding of the construction work. Currently, the Willowbend North Homeowners Association bears the responsibility of maintenance of the entry feature through their homeowners dues. The waterfall in the entry feature is currently inoperable.

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Should the City Council proceed with approval of the petition, the special assessments improvement district would consist of all lots in the Willowbend North Estates subdivision, which is a large lot, new single family home subdivision on the east side of the entry feature. According to the petition, Mr. Michaelis owns all of the lots in this newly replatted area.

Special assessment of this entry feature would be based on fifteen-year bonds. To the extent special assessments are not paid, any delinquencies would become an at-large financial burden. If this area becomes a public improvement, the City may be called upon to provide operating funds to pay the cost of maintenance, repair and operations. Approval of the use of special assessments in this instance may represent a precedent resulting in other developers coming forward with comparable items seeking prospective or retrospective use of special assessments in connection with decorative features for new developments in the fringe areas of the city.

The City cannot consider special assessment of the costs of the entry features until it is a public improvement, owned by the City. Currently, the feature is owned by Mr. Michaelis and/or his Willowbend North homeowner's association. Before the Council could act on a petition to assess the costs associated with this feature it would be necessary for the improvement to be deeded to the City. If this occurs, the costs to the City of acquiring the feature could be eligible for special assessment. It would be necessary to confirm that the City's acquisition cost is reasonable, i.e., based on documents showing the actual cost to the developer of constructing this entry feature. The property owners in these areas to be assessed would have to be notified of the intended action.

Also, in order to special assess the City's costs for acquiring this entry feature, it is necessary for the Council to find that this public improvement provides a special benefit to the area that is proposed as the improvement district over which assessments will be spread. If the Council makes such a finding, it could then approve the petition and proceed to assess the costs of acquiring this water feature as proposed in the petition. It would be difficult to defend a legal challenge to such an action.

Vice Mayor Lambke

Vice Mayor Lambke inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotta moved that the request for special assessment financing with the provision that the City of Wichita not be responsible for any future maintenance of the project; and subject to payment of all pending assessment and taxes, be approved.

Council Member Cole

Council Member Cole said the procedures for special assessments were not followed by the developer. The requirement of a public purpose being identified was also not done. This project would not qualify as a public park.

The City should not be asked to use its bonding ability, special assessment process, and low interest rate to develop this project. This sets a precedent and will foster endless requests for enhancements that have little to do with public purpose.

-- carried

Motion carried 5 to 1. Cole – No. (Knight; absent)

NEW BUSINESS

IRB – VOICESTREAM

INDUSTRIAL REVENUE BONDS – VOICESTREAM/VS PROPERTY, L.L.C. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0919.

On March 21, 2000, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds for VoiceStream Wireless Corporation, a Bellevue, Washington based wireless communication provider, in the amount of \$11,500,000 and a 100% five-plus-five-year tax exemption on property purchased with bond proceeds. VoiceStream is using a local developer (VS Property, L.L.C.) to build a new 70,000 SF facility on Woodlawn north of 21st, in northeast Wichita. On May 9, 2000, City Council approved an extension of an additional six-months of the Letter of Intent until March 21, 2001. Construction is nearly complete and VS Property is requesting the issuance of IRBs at this time, in the amount of \$10,144,764.18.

VoiceStream provides digital wireless communication service to over 714,000 subscribers in 23 of the 25 largest United States metropolitan areas. Some of the major markets include Seattle, WA; Portland, OR; Phoenix, AZ; Denver, CO; Austin, TX; Tulsa, OK; and, Wichita, KS. VoiceStream utilizes the Global System for Mobile

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Communications (GSM) for its service delivery. VoiceStream's personal communication service is unique because GSM provides integrated voice, high-speed data, fax, paging and messaging capabilities. After a planned merger with Omnipoint and Aerial Communications, VoiceStream will be the fourth largest provider of digital wireless communication in the United States. Nearly three out of every four people in the U.S. will live in areas licensed to be served by VoiceStream or its affiliates.

VoiceStream has committed to hire at least 400 new employees to staff the call center portion of the regional operations center, servicing incoming calls regarding billing services and other customer service questions. The new 70,000 SF facility features a fitness center and dining room to enhance its attractiveness to prospective employees.

Costs associated with the bond issue are as follows:

Series A:	
Land	\$ 998,400.00
Building Construction	\$ 6,281,936.50
Bond Issues Costs	<u>\$ 219,663.50</u>
Total Series A	\$ 7,500,000.00

Series B:	
Building Construction	<u>\$ 2,644,764.18</u>
Total Series B	\$ 2,644,764.18

Total Bond Issue:	\$10,144,764.18
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The firm of Hinkle & Elkouri, L.L.C. serves as bond counsel in the transaction. The Series A Bonds will be privately placed with institutional investor. The Series B Bonds will be subordinate to the Series A Bonds and will be purchased by VoiceStream. VoiceStream has complied with the Standard Conditions contained in the City's Policy.

VoiceStream agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Under the City's Business Incentive Policy, VoiceStream qualifies for a 100% five-plus-five-year tax exemption on property purchased with bond proceeds.

The City's bond counsel firm of Hinkle & Elkouri L.L.C. has drafted the Bond Ordinance and principle financing documents, which have been reviewed and approved as to form by the City Attorney's Office. Certain unusual features of the bond documents require specific mention: the Lease allows the Series A Bond Purchaser to assume the interests of VS Property, L.L.C. at anytime, without additional consent by the City. In this case, property tax abatement will continue so long as VoiceStream remains as subtenant. In addition, the documents allow VoiceStream to continue to occupy the property so long as it performs its sublease obligations, even though VS Property, or its successor, may be in default. This issue is addressed by the Series A Bond Purchaser's intent to assume the leasehold interests of VS Property.

Vice Mayor Lambke

Vice Mayor Lambke inquired if anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed; and the Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Bonds in an amount of \$10,144,764.18 be placed on first reading. Motion carried 6 to 0. (Knight; absent)

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$7,500,000 aggregate principle amount of taxable Industrial Revenue Bonds, Series IV-A, 2000 (Voicestream Wireless Project) and \$2,644,764.18 aggregate principal amount of subordinated taxable Industrial Revenue Bonds, Series IV-B, 2000 (Voicestream Wireless Project) for the purpose of providing funds to acquire, construct and equip a customer service call center; prescribing the form and authorizing execution of a trust indenture by and between the City and Commerce Bank, N.A., as Trustee with respect to each series of the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and VS Property, L.L.C.; approving the form of a guaranty agreement; approving the sublease of the project to Voicestream Wireless Corporation; authorizing the execution of a subordination, non-disturbance and Attornment Agreement by and among the City, VS Property, LLC, and Voicestream Wireless Corporation; authorizing the execution of a Series A Bond Placement Agreement by and

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among the City, VS Property L.L.C., and Froggatte & Company, as placement agent for the Series IV-a, 2000 Bonds and authorizing the execution of a Series B Bond Placement Agreement by and between the City and VS Property, L.L.C., as purchaser of the Series IV-B, 2000 Bonds, introduced and under the plans laid over.

CONSOLIDATED PLAN HUD CONSOLIDATED PLAN ANNUAL PERFORMANCE REPORT.

Tom Smith Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 0920.

The City is required to prepare an annual performance report for projects covered by the HUD Consolidated Plan. The report includes activities of the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and the HOME Investment Partnerships (HOME) programs. The report covers the period from July 1, 1999 through June 30, 2000.

During the reporting period, City of Wichita residents received direct benefits from CDBG capital improvements, housing and public services. Beneficiaries totaled 13,058 low and moderate income persons and provided 71,538 square feet of sidewalks, 8,566 square yards of street and driveway improvements, 55,949 square yards of asphalt for street improvements, 367 wheel chair ramps and 300 housing units were rehabilitated. The HOME program assisted 36 households to secure affordable housing and 16 households received rehabilitation assistance through the Deferred Loan Program. In addition, partial funding was provided for the renovation of the Eaton Block Redevelopment project. The Emergency Shelter Grant provided services to 3,667 persons (cumulative) by providing short-term shelter, case management and other services.

The grand total expenses for all funding sources of the Consolidated Plan were \$6,718,572. Total expenditures during the last fiscal year for the CDBG program were \$4,792,848. HOME Investment Partnerships program expenditures during the program year were \$1,792,724. Total ESG expenses were \$133,000.

The City is required to provide an opportunity for citizens to review and comment on the performance report prior to submitting the performance report to the U.S. Department of Housing and Urban Development (HUD). A public hearing is also required by the regulations. On September 1, 2000, the City published a notice accepting public comments until September 15, 2000. No comments were received. The Performance Report was also made available to District Advisory Boards, and copies of the report were available for public review in the Finance Department, City Council office and at all branch libraries.

Vice Mayor Lambke Vice Mayor Lambke inquired if anyone wished to be heard and no one appeared.

Motion -- Lambke moved that the public hearing be closed, the report be received and filed; and submission of the report be
-- carried authorized. Motion carried 6 to 0. (Knight; absent)

TELEPHONE MASTER TELECOMMUNICATIONS ORDINANCE.

Jeanne Hernandez Internal Auditor reviewed the Item.

Agenda Report No. 00-0921.

Competition, encouraged by the Telecommunications Act and the development of new technology, has increased the demand for the City's right of way to provide telecommunication and broadband services. The Master Telecommunications Ordinance, developed with input from the industry, establishes a framework to protect and manage the limited public right-of-way available for utilities. The Ordinance provides for equitable terms and conditions for all franchisees; including, but not limited to: right-of-way management, compensation, excess conduit capacity and co-location of facilities. The ordinance does not apply to resellers of telecommunication services whom do not have facilities located in City right-of-way.

Many of the elements of a franchise are now included in the Master Telecommunications Ordinance. Staff time will be significantly reduced creating and negotiating individual franchise agreements with franchisees. Significant requirements of the Master Telecommunications Ordinance include the following:

- ? Applies to all providers of Communication Services using public right-of-way.
- ? Requires a \$5,000 application fee
- ? Provides a framework for competitive neutrality and consistent terms and conditions applicable to all providers

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- of Communication Services
- ? The franchise is reopened upon a material change in law or economic benefit
- ? Requires facilities to be underground unless agreed to by City. Exceptions include:
- ? Capacity on existing utility poles
- ? Cost of underground construction is unreasonable (if above, then screened and behind sidewalk)
- ? Requires co-location and additional facilities for new installations
- ? References compliance with Wireless and Right-of-Way Management ordinances
- ? Requires franchisee to maintain engineering records in electronic format for GIS applications
- ? Requires notification of Resellers and written commitment as to the payment of franchise fees
- ? Non-compliance with terms and conditions of franchise/ordinance results in a \$2,500/day fine.

Compensation will transition from \$1.81 per access line, which is the current Southwestern Bell (SWB) provision, to 5% of Gross Receipts when the SWB ordinance expires in June 2002. The current definition of access line is limited and does not keep up with new services and use of public right-of-way. Franchise fees are expected to increase when we transition from an "access line" to a gross receipts fee. A franchisee that provides Communication Services within the City which merely pass through the City from one point to another point and do not otherwise pay a Gross Receipts fee, will pay a fee of \$2.50 cents per linear foot of Right-of-Way occupied by the Franchisee's Facilities.

Adrian Herbst

Adrian Herbst reviewed the Ordinance and responded to questions from the Council.

Mr. Herbst said the Federal Act gives cities the right to control rights-of-way and to charge fees. The Federal Act does not dictate how fees are designed. The established method for cable fees can also be used for telecommunication fees. The treat of potential litigation is always present.

Regarding the future of cable vs. wireless, Mr. Herbst said some of the largest companies in the world are now investing in both wired and wireless systems.

The incremental cost of larger conduit is significant; the major cost is for boring and the original conduit.

Council Member Rogers momentarily absent.

Council Member Pisciotte

Council Member Pisciotte stated that preparation of the inner part of the City for high tech is key to the development of the downtown area. Nothing in the Ordinance speaks to this preparation. Of concern is the focus on protection, regulation, and revenue generation rather than enabling.

The Ordinance does not address enabling the City to prepare for the future, including the direction of wireless.

Vice Mayor Lambke

Vice Mayor Lambke inquired if anyone wished to be heard.

Steven Gerber

Steven Gerber, Attorney representing Adelphia Business Solutions, spoke regarding the issue of a five percent (5%) charge based on gross fees, and said federal judges have held that a percentage of the fee is not related to the cost of the use of right-of-way.

The need for access conduits needs to be studied further. Excess conduit puts a burden on the risk takers. The original company bears the burden of cost. Federal law allows for profit on installation. The City's ordinance would not allow for that profit or covering of cost. Larger conduit can cost much more.

The frequency of payment (monthly/within 30 days) is extremely burdensome to calculate and remit. A quarterly basis is recommended.

Mr. Gerber urged reconsideration and that the City of Wichita not be compared to other cities.

Joy Philpot

Joy Philpot, KMC Telecommunications, said the major concern is the excess capacity requirement, and asked that the City consider specifics as related to capacity requirements. Federal law already has requirements. Some of the City's language is not in agreement with federal law. There is no need for the City of Wichita to create its own regulation on excess capacity. The maximum rate in the FCC regulations also differ from the Ordinance provisions.

The Ordinance provisions are a disincentive for telecommunication companies to come to the City of Wichita, largely because of the excess capacity requirements. Companies cannot recapture the costs if "no one comes." The language should be stricken and reference should be made to federal law.

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Brian Lippoldt

Brian Lippoldt, Adelphia General Manager, said the City of Wichita spends a lot of time trying to expand the tax basis. Five percent will fall to the bottom line of the evaluation of business owners in the City of Wichita; reducing net profits and the tax base. Business owners costs for telecommunications will increase. The City needs to look at business gross receipts.

Adelphia has been in the City of Wichita for seven years; has invested \$30 million; and has not yet disrupted City of Wichita utilities. Adelphia, and others, use conduit presently available. Excess conduit is available at the present.

An examination needs to be made of what is presently available and estimated future needs. The excess available will probably be more than enough for future needs.

Motion --

Cole moved that the Ordinance be placed on first reading.

Council Member Pisciotte

Council Member Pisciotte stated that he would like to look at having a Community Task Force to make sure the community effort is in concert with commercial providers.

Substitute Motion --

Pisciotte moved substitute motion that the Ordinance be deferred until such time as there can be assurance the Ordinance is in the best interest of the community and will assure provision for the future of the City. Substitute

-- carried motion carried 4 to 2. Cole, Lambke - No. (Knight; absent)

Council Member Martz momentarily absent.

VEHICLE ORD.

ORDINANCE AMENDING SECTION 11.80.030 – OVERSIZED VEHICLES.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 00-0922.

Recently, the state legislature enacted amendments to the state statutes, which regulate the height and length of vehicles on Kansas roadways. To bring the city's ordinances into compliance with the provisions of the state statutes, it is necessary to amend the provisions of Section 11.80.030 of the Code of the City of Wichita.

The proposed amendments limit the length of a single truck on roadways to forty-five feet. The length of truck tractors towing house trailers is limited to 97 feet, and boat or automobile transport vehicles are limited to 75 feet in length.

The amendment is necessary to bring the city's ordinances into compliance with the applicable state statutes.

Vice Mayor Lambke

Vice Mayor Lambke inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Lambke moved that Ordinance be placed on first reading. Motion carried 5 to 0. (Martz, Knight; absent)

ORDINANCE

An Ordinance amending Section 11.80.030 of the Code of the City of Wichita, Kansas, pertaining to height and length of vehicles and repealing the original of said Section, introduced and under the rules laid over.

Council Member Martz present.

WATER

EAST WATER PRESSURE ZONE.

David Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 00-0923.

The City's water distribution system is divided into two (2) pressure zones, the Hess Area Pressure Zone and the Northeast Area Pressure Zone.

The Northeast Area Pressure Zone was created in response to low pressures being experienced in that area. Higher ground elevation, and the fact that the area is remote from the Hess Pump Station, caused pressure to be lower in

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that area. In the last few years, low pressures are being experienced again in the Northeast Pressure Zone. The Water Master Plan, completed in November 1999, identified the causes as being primarily due to insufficient transmission capacity to the area, inadequate booster pump capacity, and lack of elevated storage. These deficiencies are currently being addressed.

Ongoing pressure and supply problems now being experienced in the eastern portion (east of Rock Road) dictate the need to create an East Area Pressure Zone. Creation of the East Area Pressure Zone was recommended in the recently completed Water Master Plan for 2005; however, because of growing water pressure concerns being experienced, it is recommended that this action be expedited.

In recent years, the pressures in the Hess Area Pressure Zone (near Andover and Rock Road - south of Harry) have been marginal during maximum-day and maximum-hour conditions. Additionally, there are a considerable number of customers located at ground elevations (above 1380 feet) who experience marginal pressures during average-day demands. To increase the pressures east of Webb Road, it was recommended in the Water Master Plan that an additional pressure zone be established. The zone will encompass all areas east of Rock Road and south of 21st Street, north of 31st Street South, and will be designated as the East Area Pressure Zone.

Additional pumping facilities required to create the East Area Pressure Zone are the Satellite Webb Road Booster Pumping Station (located at the existing Webb Road Complex) and the Southeast Booster Pumping Station (located along Harry near I-35). Construction of the Webb Road Satellite Booster Pumping Station will begin in 2001. The Southeast Booster Pumping Station is due for construction in 2010; however, preliminary design must be done along with the design of the Webb Road Satellite Station, so that its future effects can be properly evaluated.

The satellite facility will be used primarily to satisfy average- and maximum-day demands to the East Area Pressure Zone, with additional flow during maximum hours from the existing Webb Road Pumping Station. If additional capacity from the existing pumping station is required, piping is available to accommodate installation of a fourth unit.

The Southeast Booster Pumping Station will serve high ground along the southern edge of the proposed east Area Pressure Zone. There are two reasons for building this station rather than pumping all water through the Webb Road Satellite. First, a threshold would be met for the existing transmission mains extending south along Webb Road, which would limit the transfer of water to the southern edge of the pressure zone. Secondly, although the pumping station is provided primarily to boost pressures locally, it will also provide a degree of reliability. Hydraulic analyses indicate that operation of the Southeast Booster Station will be required only when above average-day demands are experienced.

The \$4,500,000 cost estimated for the Webb Road Satellite Booster Station is programmed in the 2005 Capital Improvement Program (CIP W-882). Water CIP projects have been reprioritized to accommodate early completion of CIP W-882.

Vice Mayor Lambke

Vice Mayor Lambke inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotta moved that project and Notice of Intent be approved; the selection of a design/build consultant be authorized; and the Resolution be adopted. Motion carried 6 to 0. (Knight; absent)

RESOLUTION NO. R-00-339

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$4.5 Million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Pisciotta moved that Resolution be adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers.

Council Member Cole momentarily absent.

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INNER CITY

PRIORITY TWO REDEVELOPMENT INCENTIVES REPORT.

Roy Johnson

Housing Director reviewed the Item.

Agenda Report No. 00-0924.

On February 1, 2000, Staff presented to the City Council a comprehensive report with recommendations proposing a number of incentives to encourage redevelopment/revitalization in the inner-city area. On May 9, 2000, the first set of priority Redevelopment Incentives (Priority #1 Listing) were approved by the City Council. These have since been implemented and are currently being marketed. The second list of priorities (Priority #2 Listing) is being presented for Council consideration and action.

The initial report identified two-tiers of recommendations: (1) those that could be implemented immediately, and referred to as Priority #1; and (2) those that require additional time, effort and/or resources to implement. The programs that require additional level of approval, once developed, are identified with light gray shading on the Redevelopment Plan Priority #2 Recommendations matrix.

The financial impact of implementing the incentives will depend upon the specific programs that will ultimately be developed/implemented. As specific programs/incentives are further refined, actual financing will be identified. It is anticipated that many of the programs dependent upon City financing can be implemented within the current budget, designated or targeted federal/state assistance allocations, or be programmed in the upcoming annual budget. Some of the infrastructure enhancements will be dependent upon inclusion and approval within the City's Capital Improvement Program. Many of the incentives will require significant Staff time and possible reassignments to implement and administer. Where available, specific funding sources have been identified with the proposed incentives.

Necessary Ordinances will be prepared by the City Attorney. Legal reviews will be made prior to the implementation of the proposed incentives/programs to assure compliance with local ordinances and State statutes.

Vice Mayor Lambke

Vice Mayor Lambke inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Lambke moved that the proposals implementation of the proposed Redevelopment Incentives be authorized. Motion carried 6 to 0. (Knight; absent)

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

No appointments were made.

PROCLAMATIONS

PROCLAMATIONS:

- a) Minority Enterprise Development Week
- b) Republic of China Day
- c) Philanthropy Day

Motion -- carried

Lambke moved that the Proclamations be authorized. Motion carried 6 to 0. (Knight; absent)

CONSENT AGENDA

Lambke moved that the Consent Agenda, including Addendum Item 30b; except Items 17d and 18, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Knight; absent)

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 18, 2000.

Bids were opened September 8, 2000, pursuant to advertisements published on:

10th Street storm water sewer outfall - Wichita Drainage Canal at 10th Street North. (468-83117/660781/860528)
Traffic to be maintained during construction using flagpersons and barricades. (District I)

Wildcat Construction - \$1,288,890.00 (Base bid with add alternate)

Lateral 89, Main 1, Southwest Interceptor Sewer to serve Cedarvale Acres Addition - east of Washington, north of 47th Street South. (468-83059/743827 /480515) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$13,431.00

Water distribution system to serve Hoskinson Second Addition - south of 37th Street North, west of Ridge. (448-89464/734972/470642) Does not affect existing traffic. (District V)

McCullough Excavation - \$29,222.00

Water distribution system to serve Vandale Addition - along Waco/Minnie Avenue, south of 55th Street South. (448-89446/734950/470620) Does not affect existing traffic. (District IV)

Nowak Construction - \$115,474.21

Lambke moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Polaroid and Kodak Film. (037200)

Gibson Wholesale Co., Inc. - \$13.29 (Group I Item 1 per roll)
\$20.19 (Group I/Item 4 per roll)
\$ 5.05 (Group II/Item 1 per roll)
\$ 6.05 (Group II/Item 2 per roll)
\$ 2.50 (Group II/Item 3 per roll)
\$ 2.85 (Group II/Item 4 per roll)
\$ 2.60 (Group II/Item 5 per roll)
\$ 3.25 (Group II/Item 6 per roll)
\$ 2.60 (Group II/Item 7 per roll)
\$ 3.25 (Group II/Item 8 per roll)
\$ 2.50 (Group II/Item 9 per roll)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Traffic Sign Blanks and Street Name Blades. (132217)

Vulcan Inc. - \$ 1.65 (Group I/Item 1 per each)
\$ 2.42 (Group I/Item 2 per each)
\$ 3.15 (Group I/Item 3 per each)
\$ 3.52 (Group I/Item 4 per each)
\$ 4.59 (Group I/Item 5 per each)
\$ 6.80 (Group I/Item 6 per each)
\$14.01 (Group I/Item 7 per each)
\$ 6.03 (Group I/Item 8 per each)
\$ 7.53 (Group I/Item 9 per each)
\$ 9.04 (Group I/Item 10 per each)
\$12.07 (Group I/Item 11 per each)
\$11.22 (Group I/Item 12 per each)
\$16.70 (Group I/Item 13 per each)
\$22.28 (Group I/Item 14 per each)
\$ 8.53 (Group I/Item 15 per each)

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\$ 9.38 (Group I/Item 16 per each)
\$11.91 (Group I/Item 17 per each)
\$36.91 (Group I/Item 18 per each)
\$ 8.16 (Group I/Item 19 per each)
\$ 6.54 (Group I/Item 20 per each)
\$ 3.25 (Group II/Item 21 per each)
\$ 3.99 (Group II/Item 22 per each)
\$ 4.77 (Group II/Item 23 per each)
\$ 4.13 (Group II/Item 24 per each)
\$ 5.09 (Group II/Item 25 per each)
\$ 6.10 (Group II/Item 26 per each)
\$ 7.07 (Group II/Item 27 per each)
\$ 8.06 (Group II/Item 28 per each)

PARK DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Trees. (791681)

Treeific Landscape - \$3,300.00 (Total Group 1)
Hillside Nursery Inc. - \$2,360.00 (Total Group 2)
Jenco Wholesale Nurseries - \$1,890.00 (Total Group 3)
Treeific Landscape - \$2,400.00 (Total Group 4)
Valley Tree Farm - \$1,425.00* (Total Group 5)
Jenco Wholesale Nurseries - \$3,150.00 (Total Group 6)
Valley Tree Farm - \$6,525.00* (Total Group 7)
\$1,065.00* (Total Group 8)
\$3,687.50* (Total Group 9)
\$1,445.00* (Total Group 10)
Jenco Wholesale Nurseries - \$5,850.00 (Total Group 11)
\$2,925.00 (Total Group 12)
\$2,815.00 (Total Group 13)
Valley Tree Farm - \$2,975.00* (Total Group 14)
Jenco Wholesale Nurseries - \$5,850.00 (Total Group 15)
\$3,375.00 (Total Group 16)
Valley Tree Farm - \$3,362.50* (Total Group 17)
\$3,225.00* (Total Group 18)
\$1,290.00* (Total Group 19)
\$3,162.50* (Total Group 20)
\$3,007.50* (Total Group 21)
\$3,162.50* (Total Group 22)
Jenco Wholesale Nurseries - \$2,925.00 (Total Group 23)
\$3,600.00 (Total Group 24)
Borst Nursery & Garden Center - \$2,650.00 (Total Group 25)
Treeific Landscape - \$7,350.00 (Total Group 27)
Valley Tree Farm - \$3,150.00* (Total Group 28)
\$2,937.50* (Total Group 29)
\$3,137.50* (Total Group 30)
Treeific Landscape - \$9,500.00 (Total Group 31)
Jenco Wholesale Nurseries - \$1,824.00 (Total Group 32)
Valley Tree Farm - \$2,300.00* (Total Group 33)
Borst Nursery & Garden Center - \$5,300.00 (Total Group 34)
Jenco Wholesale Nurseries - \$2,365.00 (Total Group 35)
\$4,000.00 (Total Group 36)
*2% 30 (Valley Tree Farm)

PARK DEPARTMENT/RECREATION DIVISION: Playground Equipment Installation and Improvements at Various Part Sites. (785999)

Barkley Construction - \$277,733.78 (Lump sum total/10 sites)
\$ 16,500.00 (Option 1/lump sum)
\$ 38,400.00 (Option 3/lump sum)

Lambke moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

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LICENSE APP.

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Maria E. Maskrid	El Matador Lounge	2033 South Broadway

Motion -- carried

Lambke moved that the license be approved subject to Staff approval. Motion carried 6 to 0. (Knight; absent)

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications submitted.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

- a) Gypsum Creek Bikepath along Gypsum Creek and the Kansas Turnpike - south of Pawnee, east of Oliver. (87 TE-0074-01/472-82654/706267/405180) (District III) - \$444,018.50
- b) Water distribution system to serve Industrial Air Center Second Addition - north of 37th Street North, west of Webb. (448-89222/734981/470651) Does not affect existing traffic. (District II) - \$60,000.00
- c) K-96 and I-135 Fishing Lake Parking Lot - K-96 and I-135. (472-82972/785899/399121) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$111,589.52
- d) 2000 Sanitary sewer reconstruction, Phase 3 - in Emporia, south of 17th Street North. (468-83145/620290/660415) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$47,020.00
- e) Storm Water Sewer 540 to serve Butler Addition - south of 31st Street South, east of K-15. (468-83151/660456/850102) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$137,500.00
- f) Mount Vernon from the east line of Lot 26, Block 3, to the east line of Lot 3, Block 5; Longlake Street from the north line of Mount Vernon to the east line of Lot 10, Block 6, and; Mount Vernon Court from the north line of Lot 27, Block 3, Smithmoor 9th Addition, south to and including the cul-de-sac to serve Smithmoor 9th Addition - south of Harry, west of Greenwich. (472-83108/765635/490746) Does not affect existing traffic. (District II) - \$208,000.00
- g) Lateral 78, Sanitary Sewer 23 to serve Industrial Air Center Addition - north of 37th Street North, west of Webb. (468-82230/743851/480539) Does not affect existing traffic. (District II) - \$35,000.00
- h) Butler, from the east line of K-15 Highway to the west line of Clifton to serve Butler's, Craig's and Hummel Additions - south of 31st Street South, east of K-15. (472-83080/765580/490691) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$166,250.00
- i) Lateral 32, Main 1, Cowskin Interceptor Sewer to serve Unplatted Tracts - north of Maple, west of Lark. (468-83083/743835/480523) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$11,770.00
- j) Lateral 461, Southwest Interceptor Sewer to serve Evergreen and Evergreen Second Additions - north of 21st Street North, west of Maize Road. (468-83147/743850/480538) Does not affect existing traffic. (District V) - \$95,500.00
- k) Water distribution system to serve Evergreen and Evergreen Second Additions - north of 21st Street North, west of Maize Road. (448-89489/734980/470650) Does not affect existing traffic. (District V) - \$125,000.00
- l) Water distribution system to serve Forest Lakes Addition - north of 29th Street North, west of Ridge. (448-89022/734982/470652) Does not affect existing traffic. (District V) - \$42,000.00

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~~m) Storm Water Sewer 540 to serve Butler Addition south of 31st Street South, east of K 15. (468-83451/660456/850102) Traffic to be maintained during construction using flagpersons and barricades. (District III) \$142,000.00~~

Motion -- carried

Lambke moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Knight; absent)

DEEDS/EASEMENTS:

DEEDS AND EASEMENTS:

- a) Drainage Easement from Kelsey Development, Inc., a Kansas Corporation dated August 2, 2000 for a tract of land in Lot 1, Deerglen Office Park Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA# 607861) No cost to City.
- b) Dedication from Allen R. & Delores Mundy dated August 20, 2000 for a tract of land in Lot 11, Bullinger Gardens Addition (Bullinger, OCA# 765729) No cost to City.
- c) Dedication from John G. & Cynthia S. Lubbers dated August 20, 2000 for a tract of land in Lot 11, Bullinger Gardens Addition (Bullinger, OCA# 765629) No cost to City.
- d) Dedication from Northridge Friends Church dated August 19, 2000 for a tract of land in Lot 11, Bullinger Gardens Addition (Bullinger, OCA# 765729) No cost to City.
- e) Sanitary Sewer Easement from Allen R. & Delores Mundy dated August 20, 2000 for a tract of land in Lot 11, Bullinger Gardens Addition (Lat. 166, SS #22, OCA# 743834) No cost to City.
- f) Sanitary Sewer Easement from John G. & Cynthia S. Lubbers dated August 20, 2000 for a tract of land in Lot 11, Bullinger Gardens Addition (Lat. 166, SS #22, OCA# 743834) No cost to City.
- g) Sanitary Sewer Easement from Pete Asmann dated August 21, 2000 for a tract of land in Reserve B, Jones Park Addition (Lat. 139, M4, SS #23, OCA# 743826) No cost to City.
- h) Dedication from Santiago Baltierrez, Pastor, Iglesia Evangelica Cristiana Espiritual dated August 30, 2000 for a tract of land in the north half of the southeast quarter of the northwest quarter of the SE 1/4, Sec. 32, Twp. 26S, R-1-E of the 6th P.M., Sedgwick County, Kansas (32nd St. N., OCA# 765593) No cost to City.
- i) Sanitary Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land in the Plant Kingdom Addition (War Industries Phase III Relief Sewer, OCA# 623306) No cost to City.

Motion --

-- carried

Lambke moved that documents be received and filed and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 00-0925.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

- 1. Race for the Cure – September 30, 2000, 7:45 a.m. to 1:00 p.m.
 - ? Douglas at Rutland Road
 - ? West through Eastborough as shown
 - ? Armour Drive
- 2. KAKE-TV/ Wichita Marathon - October 7, 2000, 7:45 to 2:00 p.m.
 - ? George Washington Blvd
 - ? Mt. Vernon
 - ? I-135 Bike path
 - ? Douglas

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- 3. Woofstock – October 7, 2000, 7:00 a.m. – 1 p.m.
- ? West River Blvd. From Nims to the Murdock Bridge
- ? Murdock Bridge from Waco and center park road to Nims
- ? Stackman Drive from Nims to Murdock
- ? Nims from Stackman Drive to north side of Murdock
- ? Franklin from Wiley to Nims
- ? Angled street by Minute Man memorial

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Lambke moved that the requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 6 to 0. (Knight; absent)

-- carried

BOARDS MINUTES

BOARDS/COMMISSION MINUTES:

Metropolitan Area Planning Commission (draft), 7-13-2000
District I Advisory Board, 7-17-2000
Library Board of Directors, 7-18-2000
Wichita Employees Retirement System, 7-19-2000
Police & Fire Retirement System, 7-26-2000
Metropolitan Area Planning Commission (draft), 7-27-2000
District III Advisory Board, 8-1-2000
District V Advisory Board, 8-7-2000
Board of Code Standards and Appeals, 8-7-2000
Board of Park Commissioners, 8-14-2000
Library Board of Directors, 8-15-2000
Wichita-Sedgwick County Board of Health, 8-17-2000
Board of Park Commissioners, Special Meeting, 8-18-2000

Motion -- carried

Lambke moved that the Minutes be received and filed. Motion carried 6 to 0. (Knight; absent)

KDOT – K-96

AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO K-96, FROM THE ARKANSAS RIVER TO THE WEST CITY LIMITS. (District VI)

Agenda Report No. 00-0926.

The Kansas Department of Transportation (KDOT) intends to improve K-96 from the Arkansas River to the west city limits (resurfacing the two bridges over the Arkansas River). This section of K-96 is located within the city limits and, because the operation and maintenance of K-96 and other federal and state highway connecting links are covered by another agreement between the State and City, it is necessary for the City and KDOT to enter into an agreement for this construction project.

The Agreement authorizes the work to be done within the city limits. It contains a provision whereby the City and KDOT shall mutually agree on how traffic will be handled during construction. K-96 traffic and access through local streets is maintained. Construction is not anticipated to begin for two years.

There is no cost to the City associated with this Agreement.

Motion --

-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

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I-235 LANDSCAPING

AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES FOR I-235 LANDSCAPING, 13TH NORTH TO BROADWAY. (District VI)

Agenda Report No. 00-0927.

On February 14, 1995, the City Council approved a project for landscaping the right-of-way along I-235, from 13th Street North to Broadway. On June 6, 1995, the City approved an Agreement with Wilson Darnell Mann Architects (WDM) to design the improvements. The project is financed by a combination of City General Obligation Bonds and federal funds administered by the Kansas Department of Transportation (KDOT). On March 26, 1996, the City Council entered into Agreement with KDOT for construction funding. February 11, 1997, the City Council entered into Agreement for construction engineering services.

The Design Agreement with WDM requires WDM to provide construction engineering services if requested by the City. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project. An Agreement between the City and WDM for construction engineering services has been prepared.

The project will provide trees, shrubs, and wildflower plantings in the freeway right-of-way.

KDOT will reimburse the City of 80% percent of the cost for construction engineering services, which has an upper limit of \$9,472.00.

Motion --
-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

PROFESSIONAL SERV.

AMENDMENT TO PROFESSIONAL SERVICES WITH STINSON MAG & FIZZELL – GILBERT & MOSLEY.

Agenda Report No. 00-0928.

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against a large number of responsible parties has resulted in significant legal services for depositions, document production, motions, and other litigation services.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll which is handling the litigation to recover costs from responsible parties. This agreement also provides for payment of the expert witnesses in the litigation, which are retained by the law firm.

The supplemental agreement provides authority for an additional \$1,500,000 in legal services and related expenses. These services are budgeted in and will be paid out of the Gilbert & Mosley TIF.

Motion --
-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

(Agenda Item No. 17d)
SETTLEMENT

SETTLEMENT AGREEMENT.

The Item was pulled from the Agenda.

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USGS

UNITED STATES GEOGRAPHICAL SURVEY JOINT FUNDING JOINT FUNDING AGREEMENT.

Agenda Report No. 00-0930.

Cheney Reservoir is a major water supply source for the City of Wichita, providing approximately 60% of Wichita's annual water supply. In the future, Cheney will play an even larger role in meeting Wichita's water supply needs. On May 7, 1996, the City Council approved agreements with the U.S. Geological Survey (USGS) and the Bureau of Reclamation (BOR) to begin a five-year project to perform water quality analysis at various sites throughout the watershed.

The project started in 1996 with the objective of developing a comprehensive water quality database for nutrients, total suspended sediment, and herbicides throughout the watershed. The data is used to determine the chemical loading into and out of Cheney Reservoir, to identify chemical loadings within the watershed, and to evaluate the effectiveness of the various improvements that are completed in the watershed. Although the original project is ending, there is a continuing need for water quality data.

The original project was funded by both the USGS and the BOR; however, the BOR will not be offering funding for continuing sampling. The USGS has developed another five-year program, but at a substantially reduced level than the original project. They have agreed to fund 46% of the project, which will leave the City with 54% of the costs, plus the cost of work done by the Water and Sewer Laboratory.

The total cost of the project will be \$334,300 over a five-year period from fiscal year 2001 through fiscal year 2005. The costs will be allocated as follows:

	FY 2001	FY2002	FY2003	FY2004	FY2005	TOTAL
Total Costs		\$58,500	\$65,300	\$69,100	\$73,400	\$68,000 \$334,300
City Costs		\$31,500	\$35,300	\$37,400	\$39,400	\$36,000 \$179,300
U.S.G.S. Funds	\$27,000	\$30,000	\$32,000	\$34,000	\$32,000	\$155,000

Funding for the City's share of the expenses will come from Cheney Water Quality Improvement project (W-500) which has an annual authorization of \$200,000.

Motion --
-- carried

Lambke moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

(Agenda Item No. 18)
BOND COUNSEL

SELECTION OF BOND COUNSEL.

Agenda Report No. 00-0931.

As the contract for the City's bond counsel came to the end of its term, a Request for Proposals was promulgated and four law firms responded with proposals to be the City's bond counsel. The responses were referred to the Bond Counsel Review Committee and appropriate staff members for review. The Bond Counsel Review Committee interviewed four law firms and the results of the interviews, along with an analysis of the proposals were forwarded to the City Manager. The final step in the process is for the City Council to select a law firm to provide services as the City's bond counsel.

The City employs a law firm to provide bond counsel services to the City and its agencies (Airport Authority and the Public Building Commission). Bond counsel provides professional legal services in connection with the issuance and sale of general obligation bonds, general obligation refunding bonds, revenue bonds and refunding revenue bonds. The City's Bond Counsel serves as bond counsel for industrial revenue bond issues, except in limited situations.

The firm of ~~Logan Riley Carson & Kaup, L.C.~~ is recommended by the Bond Counsel Review Committee and the City Manager. The recommendation for the Logan firm is based on a favorable fee structure, bond counsel experience and quality of services.

An agreement outlining the services, compensation schedule and expenses for the City's bond counsel will be negotiated with the firm selected by the City Council.

Motion --
-- carried

Pisciotta moved that the firm of Hinkle & Elkouri, L.L.C. be selected; negotiation of Contract and terms be authorized; and the Contract be returned to the City Council for approval. Motion carried 6 to 0. (Knight; absent)

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WATERLINE

CHANGE ORDER - NORTHEAST TRANSMISSION LINE, PHASE I. (District I)

Agenda Report No. 00-0932.

On September 8, 1998, the City Council approved a construction contract to build a large waterline from the City center to the northeast part of the City. During construction, a number of work items developed that were not anticipated at the time of letting. Those include additional discharge pipe to de-water contaminated groundwater, additional valve assemblies, and the removal of a railroad crossing at 11th and Washington.

A Change Order has been prepared that authorizes the additional work. Funding is available within the \$9,560,000 project budget.

The total cost of the additional work is \$116,986. The funding source is the Water Utility.

Motion --
-- carried

Lambke moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

PARK

CHANGE ORDER - EAST BANK WATER WALK, PHASE II – AT A. PRICE WOODARD PARK. (District II)

Agenda Report No. 00-0933.

On June 6, 2000, the City Council approved a Contract to make improvements to A. Price Woodard Park and extend the river walk along the park to match that at the Hyatt Hotel. Due to concerns over the construction cost estimate in relation to the project budget, certain desirable work was not included in the plans and specifications for bidding. It has now become apparent that leaving this work out of the project will detract from the improvements being made to the park. Also, the existing pool railings that were to be repaired in the Contract do not meet current codes and are now recommended for replacement; as well as adding code-required railings where none exist. Other miscellaneous items have been discovered during the course of construction that required correction by this Change Order.

A Change Order has been prepared that authorizes the additional work. The project completion date of November 30, 2000 is extended to January 31, 2001 as part of the Change Order due to the additional work required.

The total cost of the additional work is \$113,373. Funding is available in the project budget. The funding source is City-at-large funds.

Motion --
-- carried

Lambke moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

EMERGENCY SHELTER **KANSAS EMERGENCY SHELTER GRANT PROGRAM.**

Agenda Report No. 00-0934.

The State of Kansas receives Emergency Shelter Grant funds under the Stewart B McKinney Homeless Assistance Act which are in turn awarded to local units of government on behalf of homeless service providers. At its June 20, 2000 meeting the Council approved the submittal of a 2000 Kansas Emergency Shelter Grant Program (KESGP) application for \$149,925 to fund eleven local homeless service provider projects.

The City received notification it was awarded \$60,553 in 2000 KESGP funds. Of that amount, \$59,000 is available in three program categories for allocation to agencies. On September 7 the Community Council on Homeless Advocacy (CCHA - formerly the Homeless Task Force) met to provide the City Council with its recommendations for allocating the available KESGP funds.

Analysis: The total agency requests and the amount of the KESGP grant awarded are:

Program Category	Total Requested	Amount Awarded
Rehabilitation	\$45,000	\$20,000
Operations	52,077	23,000
Essential Services	49,100	16,000

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CCHA recommendations for allocation of the awarded funds follow:

Agency	Rehab.	Operations	Ess. Services	Totals
Inter-Faith Inn	\$20,000	\$1,173	\$13,900	\$35,073
Catholic Charities				
Anthony Family Shelter	\$8,602			\$ 8,602
Harbor House	\$6,000			\$ 6,000
Salvation Army	\$4,725			\$ 4,725
YWCA Women's Crisis Center		\$2,500	\$2,100	\$ 4,600
Totals	\$20000	\$23,000	\$16,000	\$59,000

The CCHA recommendations would provide funding for the following projects:

Inter-Faith Ministries – Rehabilitation funding in the amount of \$20,000 would be provided to complete tuckpointing at Inter-Faith Inn, provide proper ventilation of the furnace room, and improved food storage area. Operational funding of \$1,173 and Essential Services funding of \$13,900 would enable Inter-Faith Inn to continue its case management services.

Catholic Charities Anthony Family Shelter – Operations funding in the amount of \$8,602 would be provided for the 32-bed shelter.

Catholic Charities Harbor House – Operations funding in the amount of \$6,000 would be provided for the domestic violence shelter.

Salvation Army Emergency Lodge – Operations funding in the amount of \$4,725 would be provided for the 16 bed emergency shelter.

YWCA Women's Crises Center – Operations funding in the amount of \$2,500 and essential services funds of \$2,100 would be provided for the shelter.

City of Wichita – Administration funding in the amount of 1,553 would be provided at the allowed 2.5% rate for City administrative costs.

Each provider will be required to provide a dollar for dollar match for allocated funds. Acceptance of the KESGP funds will obligate no general funds moneys.

All KESGP funds allocated to homeless service providers will be distributed under individual provider contracts approved as to form by the City Law Department

Motion --
-- carried

Lambke moved that the allocations be approved for awarded 2000 KESGP funds and the necessary signatures be approved. Motion carried 6 to 0. (Knight; absent)

TRANSIT

ACCESS TO JOBS – TRANSIT SERVICE IMPLEMENTATION.

Agenda Report No. 00-0935.

Federal Access to Jobs Grants are designed to implement an extension of present transportation services to fill the gaps in transportation needs for low income families, both working and those not able to work due to absence of transportation service. The Access to Jobs program is a 50% Federal / 50% local match program. The qualifying local match may be comprised of state funds, local public funds, or private funds.

The City of Wichita's Jobs Access program partners Wichita Transit with the City's Career Development, SRS, KDOT, and other local agencies and private entities to remove transportation barriers to employment. A "one-stop shopping" area has been created at the WT's Transit Center (TC) with Career Development being located next to the TC for easy access for transportation for clients.

Service is prepared to begin October 1, 2000, subject to approval. \$1.45 million is available on the 50% match basis for a projected project span of 27 months. Should demand grow, as is expected, the span of this grant could shorten. Future FTA funding is already earmarked for a continuation of Wichita's initial grant. Partnering agencies will reimburse the City for 50% of the cost of each ride provided.

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The program concept is to provide transportation to clients of SRS and Career Development through a coordinated effort of Wichita Transit, local agencies currently having transportation capacity, private transportation providers and cab companies. In the initial offering, income-qualified clients of two local social service agencies will participate as well. The service ideally will grow into transportation for low income and working families, as space is available and to financially participating private industries. Service parameters will initially be within the City of Wichita and adjacent industrial improvement districts, 7 days a week, primarily for 2nd shift. Service parameters are expected to grow as local employers, Sedgwick County, and surrounding counties join in.

Components of this service plan include:

- ? Two additional City staff (Coordinator and Scheduler) to develop partnerships and direct, coordinate, and schedule transportation – fully grant funded.
- ? Transit Center office space will be used as the central focal point for the "one stop shopping" concept
- ? Primary participating provider agencies are Career Development and SRS
- ? Contract transportation providers will include human service agencies (KETCH and Envision), cab companies, and private transportation providers (Freedom Wheels)
- ? As demand grows, WT will utilize its replaced paratransit vans and add van drivers to establish a core service
- ? Office equipment, computers, scheduling software programs and new vans can be purchased through the grant.

Total project cost is \$1.45 million, with Federal funds (50%) equaling \$725,000. Local City match will stand at \$49,990, all in-kind services, while numerous agencies, including Career Development and SRS, make up the remaining \$675,010 local match. Services will only be provided to the extent that a local match has been negotiated.

Motion – carried

Lambke moved that the Service Plan for Access to Jobs be approved. Motion carried 6 to 0. (Knight; absent)

KDOT

KDOT GRANT APPLICATION – PURCHASE OF BUSES.

Agenda Report No. 00-0936.

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071 which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation.

Under the provision of the CTP, the City of Wichita was allotted \$1,168,200 for FY2001, and along with a carryover of \$652,700 from FY2000, total FY 2001 funds equaled \$1,820,900. In June of 2000, the City Council approved a KDOT grant application for \$1,139,083, leaving a remainder of \$681,817 for future projects.

This grant will provide the 20% match for up to thirteen (13) replacement buses. WT's existing older 1980 (24) and 1983 (15) buses have exceeded their life cycle. Plans are to replace older buses with a combination of 30' and 35' buses, low floor and standard height. New buses will be equipped with ramps or wheelchair lifts, and bus kneel-down capabilities to make our entire fleet wheelchair accessible and senior-friendly. Other highlights will be cleaner burning diesel engines that meet all EPA guidelines for fuel emissions, a more efficient air conditioning system, better fuel efficiency, improved passenger information displays, lower noise levels, improved driver ergonomics and easier maintenance accessibility.

FY 2001 KDOT funds remaining for this grant are \$681,817. These KDOT funds will be used as 20% match in conjunction with Federal funds at 80%.

Motion --
-- carried

Lambke moved that the grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

DRAINAGE OUTFALL

FIRST AND SECOND STREETS DRAINAGE OUTFALL – BETWEEN THE DRAINAGE CANAL AND THE FIRST AND SECOND STREETS UNDERPASSES. (District VI)

Agenda Report No. 00-0937.

The 2000 Capital Improvement Program includes funds to design a storm water sewer drain to drain the 1st and 2nd Street Underpasses (CIP No. SW-860001).

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The existing storm sewer system for the 1st and 2nd Street underpasses at the Central Railroad Corridor is not adequate during periods of heavy rainfall. A new drainage system is also needed to alleviate surface ponding problems in Old Town.

The design budget is \$100,000. The fund source is the Storm Water Utility.

Motion --
-- carried

Lambke moved that the project be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Knight; absent)

RESOLUTION NO. R-00-340.

A Resolution finding it necessary to make certain improvements to First and Second Street Drainage Outfall, (CIP No. SW-860001), and authorizing the issuance of Bonds by the City of Wichita at large, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight; absent) Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

47TH & PALISADE

47TH STREET SOUTH AND PALISADE INTERSECTION SIGNALIZATION. (District IV)

Agenda Report No. 00-0938.

On October 12, 1999, the City Council approved the issuance of industrial revenue bonds for Royal Caribbean Cruises Ltd. The funding is being used to expand their reservation center at 47th Street South and Palisade. Based on existing and planned employment at the center, traffic signals are warranted at the intersection.

The project will provide protected left turns for reservation center employees as they access their parking lot on Palisade to 47th Street South.

The estimated project cost is \$140,000. The funding source is General Obligation Bonds. Funds for the project will be programmed in the Amended 2001 Capital Improvement Program.

Motion --
-- carried

Lambke moved that the project and first reading of the Ordinance be approved, and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Knight; absent)

ORDINANCE

An Ordinance declaring the Intersection of 47th Street South at Palisade (472-83261) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the plans laid over.

ASSESSMENT ROLLS

PROPOSED SPECIAL ASSESSMENT ROLLS.

Proposed assessment rolls have been prepared for 23 water, 15 sewer, 3 storm water sewer, and one paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held on October 9, 2000.

Motion --
-- carried

Lambke moved that the public hearing be set for 11:00 a.m., Tuesday, October 17, 2000. Motion carried 6 to 0. (Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 638 WETMORE – COWSKIN AND CALFSKIN BASIN PROPERTY ACQUISITION PROJECT. (District V)

Agenda Report No. 00-0939.

In October 1998, flooding occurred along the Cowskin and Calfskin Creeks in west Wichita. As a result of this event, the City presented a proposed voluntary property acquisition program FEMA. FEMA approved the program on March 15, 2000. The program calls for the acquisition of up to 21 properties that are either located in the floodway or suffered more than 50% damage in the 1998 floods. One such property is 638 Wetmore, which is owned by Robert and Sami Redmon. The site contains approximately two acres and is improved with a 5,472 square foot brick single-family residence.

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An offer of \$231,457.21 based on 85% of the pre-flood value of the property was extended to the owners. The owners have agreed to sell the property for this amount. Under the terms of the FEMA program, all improvements must be removed and future use of the site is restricted to open space.

The FEMA program provides funds for the purchase price and 85% of closing costs and demolition costs not covered by insurance. Any costs not funded by FEMA will be paid from the Property Management Special Revenue fund contingency. A budget of \$238,707.21 is requested. This includes \$231,457.21 for the acquisition, \$6,500 for demolition and \$750 for closing costs and title insurance. FEMA's participation will be used to offset this amount when received.

Motion --
-- carried

Lambke moved that the budget and contract(s) be approved, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

PROPERTY ACQ.

ACQUISITION OF MORE – COWSKIN AND CALFSKIN BASIN PROPERTY ACQUISITION PROJECT. (District V)

Agenda Report No. 00-0940.

In October 1998, flooding occurred along the Cowskin and Calfskin Creeks in west Wichita. As a result of this event, the City presented a proposed voluntary property acquisition program FEMA. FEMA approved the program on March 15, 2000. The program calls for the acquisition of up to 21 properties that are either located in the floodway or suffered more than 50% damage in the 1998 floods. One such property is 570 Wetmore, which is owned by Kenneth Showalter. The site contains 36,270 square feet and is improved with a 2,398 square foot brick single-family residence.

An offer of \$83,295 based on 85% of the pre-flood value of the property was extended to the owners. The owners have agreed to sell the property for this amount. Under the terms of the FEMA program, all improvements must be removed and future use of the site is restricted to open space.

The FEMA program provides funds for the purchase price and 85% of closing costs and demolition costs not covered by insurance. Any costs not funded by FEMA will be paid from the Property Management Special Revenue fund contingency. A budget of \$90,545 is requested. This includes \$83,295 for the acquisition, \$6,500 for demolition and \$750 for closing costs and title insurance. FEMA's participation will be used to offset this amount when received.

Motion --
-- carried

Lambke moved that the budget and contract(s) be approved, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 655 NORTH RIDGE ROAD – CENTRAL/RIDGE INTERSECTION PROJECT. (District V)

Agenda Report No. 00-0941.

The widening and improvement of Central from the Big Ditch to Woodchuck is included in the Arterial Corridor improvements in the 2000 CIP. As part of this project, the intersection of Ridge Road and Central will be widened and turn lanes added. These improvements will require the acquisition of a portion of the commercial property on the southwest corner of the intersection, commonly known as 655 North Ridge Road. The site contains 406,161 square feet and is improved with a multi-tenant retail shopping center. There are two parcels to be acquired totaling 1,148 square feet. The taking do not impact the improvements.

The acquisitions were appraised at \$8,610 with an additional \$4,050 for the cost to cure damages for a total value of \$12,660. The owner has agreed to sell the property for this amount.

The Capital Improvement Program includes funds for Arterial Corridor acquisitions. The funding source is General Obligation Bonds. A budget of \$12,700 is requested. This includes \$12,700 for the acquisition and \$1,000 for closing costs and title insurance.

Motion --
-- carried

Lambke moved that the budget and contract(s) be approved, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

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PROPERTY ACQ.

ACQUISITION OF 8000 WEST CENTRAL – CENTRAL/RIDGE INTERSECTION PROJECT. (District V)

Agenda Report No. 00-0942.

The widening and improvement of Central from the Big Ditch to Woodchuck is included in the Arterial Corridor improvements in the 2000 CIP. As part of this project, the intersection of Ridge Road and Central will be widened and turn lanes added. These improvements will require the acquisition of a portion of the commercial property on the northwest corner of Central and Woodchuck, commonly known as 8000 West Central. The site contains 40,000 square feet and is improved with a multi-tenant commercial facility. The taking requires 1,600 square feet and does not impact the improvements.

The acquisitions were appraised at \$12,000 with an additional \$13,000 for the cost to cure damages for a total value of \$25,000. The owner has agreed to sell the property for this amount.

The Capital Improvement Program includes funds for Arterial Corridor acquisitions. The funding source is General Obligation Bonds. A budget of \$26,000 is requested. This includes \$25,000 for the acquisition and \$1,000 for closing costs and title insurance.

Motion --
-- carried

Lambke moved that the budget and contract(s) be approved, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 10401 RINGER – WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 00-0943.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is located at 10401 Ringer and is owned by Larry and Sherry Cunningham. The site contains 22,695 square feet and is improved with a 1,764 square foot single-family residence. The taking involves a ten-foot strip along the side of the property and will entail the removal of a fence, landscaping, trees, and other improvements.

The taking has been appraised for \$32,100 and the owner has agreed to sell the property for this amount.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$32,600 is requested. This includes \$32,100 for the acquisition and \$500 for closing costs and title insurance.

Motion --
-- carried

Lambke moved that the budget and contract(s) be approved, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE – 818 NORTH SANTA FE. (District VI)

Agenda Report No. 00-0944.

On September 6, 2000 the Board of Code Standards (BCSA) held a hearing on the following property. This property is considered a dangerous and unsafe structure, and is being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on this structure, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove this property.

	<u>Property Address</u>	<u>Council District</u>
1.	818 North Santa Fe	VI

This structure has defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause it to be deemed as a dangerous and unsafe building, as required by State Statute for condemnation consideration.

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Motion --
-- carried

Lambke moved that the Resolution to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on November 7, 2000, at 11:00 a.m., be adopted. Motion carried 6 to 0. (Knight; absent)

RESOLUTION NO. R-00-00-338.

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 18 and 20, on Mead Avenue in Supplemental Plat to Jones First Addition to Wichita, Sedgwick County, Kansas, known as 818 North Santa Fe, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Lambke moved that Resolution be adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

SANITARY SEWER

AMENDING RESOLUTION – LATERAL 438, SOUTHWEST INTERCEPTOR SEWER – NORTH OF CENTRAL, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 00-0945.

On October 12, 1999, the City Council ordered in a sanitary sewer to serve several homes on the west side of 119th Street West, north of Central. Bond Counsel has advised that the authorizing Resolution should be modified to more clearly indicate the Council's action.

An amending Resolution has been prepared in accordance with Bond Counsel's instructions.

There is no impact on project cost.

Motion -- carried

Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight; absent)

RESOLUTION NO. R-00-341.

A Resolution amending Resolution No. R-99-383 of the City of Wichita authorizing construction of Lateral 438, Southwest Interceptor Sewer, (north of Central, west of 119th Street West), 468-83030, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Lambke moved that Resolution be adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 22, 2000.)

On September 12, 2000, the vote on Items (a) and (b) was insufficient to carry the Ordinances.

a) Wireless communication master plan – Unified Zoning Code.

ORDINANCE NO. 44-714.

An ordinance providing amendments to Section II-E.3, Section II-E.15, Section III-B.2.b.(3), Section III-B.2.c.(3), Section III-B.3.b.(3), Section III-B.3.c.(3), Section III-B.4.b.(3), Section III-B.5.b.(3), Section III-B.6.b.(3), Section III-B.7.b.(3), Section III-B.8.b.(3), Section III-B.9.b.(3), Section III-B.10.b.(3), Section III-B.11.b.(3), Section III-B.12.b.(3), Section III-B.13.b.(3), Section III-B.14.b.(3), Section III-B.15.b.(3), Section III-B.16.b.(3), Section III-B.17.b.(3), Section III-B.18.b.(3), Section III-B.19.b.(3), Section III-B.20.b.(3), Section III-D.6.g, Section III-D.7.b.(8), Section III-D.7.c.(6), Section III-D.7.d.(5), Section III-E.2.f.(1), Section IV-c.5, Section V-a.2, Section V-i.2, Section VI-g, Section VI-H, and the use regulation schedule in Section III.D of the Wichita-Sedgwick county Unified Zoning Code (October 28, 1999 Edition), as adopted by ordinance 44-427, dealing with wireless communication amendments thereto, read for the third time. Lambke moved that the Ordinance be adopted. Motion carried 5 to 1. (Knight; absent) Ayes: Cole, Gale, Martz, Pisciotte, Rogers. Nays: Lambke.

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- b) Wireless communications master plan – zoning applications.

ORDINANCE NO. 44-715.

An Ordinance amending Section 2.26.010 of the Code of the City of Wichita, Kansas, pertaining to fees and charges for planning and zoning applications and proceedings; and repealing the original section read for the third time. Lambke moved that the Ordinance be adopted. Motion carried 5 to 1. (Knight; absent) Ayes: Cole, Gale, Martz, Pisciotte, Rogers. Nays: Lambke.

(FIRST READ SEPTEMBER 12, 2000)

- c) Plumbing Code.

ORDINANCE NO. 44-716

An Ordinance amending Sections 21.04.040 and 21.04.050 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; all pertaining to the plumbing code of the City of Wichita, Kansas, read for the second time.. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- d) Mechanical Code.

ORDINANCE NO. 44-717

An Ordinance amending Sections 22.04.020 and 22.04.240 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; all pertaining to the mechanical code of the City of Wichita, Kansas, read for the second time.. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- e) Sidewalk Repair.

ORDINANCE NO. 44-713

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time.. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- f) ZON2000-00032 – south of Waterman, east of Commerce. (District I)

ORDINANCE NO. 44-718

An Ordinance changing the zoning classification or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified zoning Code, as adopted by Section 28.04.010, as amended, read for the second time.. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.
ZON2000-00032

- g) A 00-18 Annexation of land at the northeast corner of 47th Street South and West Street. (District IV)

ORDINANCE NO. 44-712

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time.. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. A 00-18

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FIRST READING ORDINANCES:

a) Sidewalk cleaning.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of cleaning sidewalks in the City of Wichita, Kansas, introduced and under the plans laid over.

Motion -- carried

Lambke moved that Ordinance be placed on first reading. Motion carried 6 to 0. (Knight; absent)

(Addendum Item No. 30b)

KELLOGG/GREENWICH ORDINANCE: KELLOGG/GREENWICH (District II)

Agenda Report No. 00-0948.

In October 1996, the City adopted Ordinance No. 43-307. That Ordinance provided limited funding of \$3,280,000 for the Kellogg/Greenwich Interchange project. These funds have been used for preliminary design and opportunity right-of-way purchases.

In August 1999 the City Council adopted the 2000-2009 Capital Improvement Program (CIP). The Kellogg /Greenwich Interchange is included in the CIP as project F-160001. Major right-of-way activities for the project have occurred and additional funding is required.

The Ordinance increases the funds available for the project to \$15,000,000. The funding source is Local Sales Tax.

Motion --

Lambke moved that the Declaration of Emergency be approved and the necessary signatures be authorized; and the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Knight; absent)

-- carried

ORDINANCE NO. 44-720

An Ordinance of the City of Wichita, Kansas, amending Ordinance No. 43-307 of the City, in order to restate the estimated cost of improvements and the manner of payment of said improvements therein authorized. Lambke moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Knight; absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

PLANNING AGENDA

(Addendum Item No. 30c)

ZON2000-00033

ZON2000-00033 – REQUEST FOR ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE AND LIMITED COMMERCIAL, GENERALLY LOCATED EAST OF WOODLAWN AND NORTH OF 17TH STREET NORTH. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report 00-0949.

MAPC Recommendation: Approve, subject to Platting within one year and the additional provisions of a Protective Overlay.

Staff Recommendation: Approve, subject to Platting within one year and the additional provisions of a Protective Overlay.

DAB-2 Recommendation: Approve, subject to recommendations.

The applicant is requesting a zone change from “SF-6” Single-Family Residential to “GO” General Office and “LC” Limited Commercial on a 7.42 acre tract located east of Woodlawn and north of 17th Street North.

The applicant has submitted a “Woodlawn Court Development” site plan for the application area. The development plan contains four parcels. The northwest parcel (Parcel 1) abuts Woodlawn and is proposed to be zoned “LC”

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Limited Commercial. The applicant has had an inquiry from a furniture store operator about possibly locating on Parcel 1. Parcels 2 and 3 are proposed for "GO" General Office zoning and office uses are proposed.

Access to all parcels is shown to be from a private drive off of Woodlawn, a four-lane arterial. There is complete access control along Woodlawn with the exception of the one-shared opening. The surrounding area is predominately developed with single-family residential uses to the west, south and southeast. The Hebrew Congregation Synagogue is directly north of the subject property and the First Free Evangelical Church is located to the northwest across Woodlawn. A KGE Substation is directly east. All of these areas are zoned "SF-6." There is vacant property to the northeast that is part of DP-67 Northborough C.U.P. approved for office use and apartments. The subject property is bordered on the south by a railroad and further south is a fire station. The rail line is shown as a possible rail banking alignment for a bike path.

The District Advisory Board (DAB) for District II considered this request on August 7, 2000. There were approximately fifteen area residents in attendance. After considerable discussion, the DAB members voted 8-0 to recommend approval.

There were protest petitions filed in conjunction with this case. A legal protest requires 20% of the net application area. According to MAPD staff calculations, the protest represent only 1.88% of the adjacent 200-foot radius that included a significant portion of right-of-way. There were, however, significant protests immediately outside this area. Consequently, there is not a legal protest associated with this case). Those area residents who opposed the request suggested that the proposed development could negatively impact the neighborhood by reducing property valuations and increasing traffic congestion on Woodlawn.

In conjunction with this zone change request, the applicant has submitted a request for a Conditional Use permit to allow a self-service storage warehouse facility on Parcel 4, the southern 2.89 acres of the subject property. The MAPC held a public hearing on August 17, 2000 and voted (9-2) to recommended that the zone change (ZON2000-00033) to "LC" and "GO," be approved, subject to platting within one year, with consideration of traffic improvements at time of platting, and subject to a Protective Overlay with the following conditions:

Parcel 1 shall be restricted to those uses allowed as permitted uses in the "LC" Limited Commercial zoning district except the following: adult entertainment, convenience stores; construction sales and service; hotel or motel; night club; recreation and entertainment, indoor; service station; tavern and drinking establishment; tire and battery stores; and vehicle repair, limited. Restaurants shall be permitted so long as they do not provide any drive-up window service or in-vehicle food service.

Building heights shall be limited to 25 feet in height.

Motion --

Pisciote moved that, based on the following findings of fact, the request be denied. a) Several commercial buildings are available in the area and doing a zone change to allow additional commercial development largely on speculation.

- b) Some 40 plus protests received.
- c) Neighborhood opposition.
- d) Railroad abandonment and the resulting impact on intersection.
- e) conformance within the overall Master Plan (in the middle of the block instead of on the corner).
- f) The Synagogue withdrawal of support of the change.
- g) Concern regarding best use of ground.
- h) The considerable amount of ground behind could be of interest for park or school use.
- i) District I has (abutting area) has not had an opportunity for input.
- j) Not in the best interest of the neighborhood or community, or the best use of the property.

-- carried

Motion carried 6 to 0. (Knight; absent)

AIRPORT AGENDA

AIRPORT

WICHITA MID-CONTINENT AIRPORT - UTILITY MODIFICATIONS AND EXTENSIONS - 2000.

Agenda Report No. 00-0946.

On March 7, 2000 the City Council approved a project for \$100,000 to upgrade and extend gas utilities as appropriate. The Wichita Airport Authority (WAA) owns the natural gas distribution system on Mid-Continent Airport. Tenants are re-billed for their use of the system and their use of natural gas which is purchased at a volume discount and resold to them at a wholesale price. KGS has a services contract for maintenance, operation and replacement of the distribution system. A portion of a gas main needs to be abandoned due to age and

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corrosion. The Kansas Corporation Commission (KCC) has written a letter stating that the project should be undertaken and completed as soon as possible.

New main lines will be constructed to re-route the distribution system to either side of the area of concern. KGS maintains pipeline safety standards which are enforced by the KCC. These standards require KGS or one of their contractors to be the sole source for modifications to the WAA gas distribution system.

The project cost estimate is not-to-exceed \$250,000 which will be funded with General Obligation bonds. The estimate includes the cost of the KGS proposal and related expenses such as extending a communication line and electrical service to the master meter location. The capital investment will be recovered from the users through the monthly re-bill rate over the amortization period.

Motion --
-- carried

Lambke moved that the revised budget be approved; the Resolution be adopted; the proposal from KGS be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

RESOLUTION NO. A-00-012.

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Lambke moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. (Knight; absent).

AIRPORT OFFICER

DRUG ENFORCEMENT ADMINISTRATION AGREEMENT ADDENDUM.

Agenda Report No. 00-0947.

In 1991, the Wichita Airport Authority entered into an agreement with the Drug Enforcement Administration to participate in the area Drug Enforcement Task Force by providing one Airport Officer. The WAA pays the salary of the one officer, and the DEA supervises the officer and pays overtime and gasoline expenses.

The WAA's participation in this effort has been very beneficial to the community and its drug enforcement efforts. This addendum extends the agreement for one year, commencing October 1, 2000, and terminating on September 30, 2001.

The salary of one Safety Officer is paid by the WAA, with up to \$9,212 in overtime paid by the DEA.

Motion -- carried

Lambke moved that the Addendum be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight; absent)

EXECUTIVE SESSION

Motion --

-- carried

Lambke moved that the Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice, contract negotiations; preliminary discussions relating to the acquisition of real property for public purposes; and confidential data relating to the financial affairs or trade secrets of a business; and return no earlier than 11:42 a.m. Motion carried 6 to 0. (Knight absent)

RECESS

The City Council recessed at 11:10 a.m. and reconvened at 12:05 p.m.

ADJOURNMENT

The City Council meeting adjourned at 12:05 p.m.

Pat Burnett, CMC
City Clerk